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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/824,175
		Filing Date	March 30, 2001
		First Named Inventor	Scott Shyh Guang YEN
		Group Art Unit	3623
		Examiner Name	M. Heck
Total Number of Pages in This Submission		Attorney Docket Number	002854-23

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input checked="" type="checkbox"/> Other Enclosure(s): PTO/SB/36- <u>Recession of Previous Non publication Request; and</u> <u>Notification of Filing Under 35 U.S.C. 122(b)(2)(B)(iii); and</u> <u>Copies of Revocation and Power of Attorney & IDS filed 01-02-03.</u>
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 (002854-23) for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	<u>Marc S. Kaufman, Reg. No. 35,212</u> Nixon Peabody LLP 8180 Greensboro Drive Suite 800 McLean, VA 22102
Signature	
Date	May 21, 2003

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at _____, on _____.	
Signature:	RECEIVED MAY 23 2003 OFFICE OF PETITIONS
Name:	

IN THE UNITED STATES PATENT AND TRADE MARK OFFICE

This will acknowledge receipt of the following:

- 1) Transmittal Form
- 2) Revocation and Power of Attorney (2 pages)
- 3) Information Disclosure Statement w/PTO-1449, Intern'tl Search Report & 3 references

In re the Patent Application of: YEN

Serial No. 09/824,175

Filed: March 30, 2001

For: Method of Incorporating Human-Based Activities

Docket No.: 002854-23

Due date: Jan. 2, 2003

MSK:dkf

HAND CARRY ON JANUARY 2, 2003
PLEASE STAMP WITH DATE OF RECEIPT AND RETURN

NVA251197.1



#9

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
002854-23

First named inventor: Scott Shyh Guang YEN

Application No.: 09/824,175

Art Unit: 3623

Filed: March 30, 2001

Examiner: M. Heck

Title: METHOD FOR INCORPORATING HUMAN-BASED ACTIVITIES IN BUSINESS PROCESS MODELS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action
by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of
the period set for reply in the Office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of PTO/SB/36 - RECISSION OF PREVIOUS NONPUBLICATION
REQUEST and NOTIFICATION OF FILING UNDER 35 U.S.C. 122(b)(2)(B)(iii)
AND 37 C.F.R. 1.213(c) and copy of REVOCATION AND POWER OF ATTORNEY and IDS
filed January 2, 2003 _____ (identify type of reply):

- ☐
- has been filed previously on _____.
-
- ☒
- is enclosed herewith.

B. The issue fee of \$ _____.

- ☐
- has been paid previously on _____.
-
- ☐
- is enclosed herewith.

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 21, 2003

Date

Signature

Telephone

Number: (703) 770-9300

Marc S. Kaufman, Reg. No. 35,212

Typed or printed name

NIXON PEABODY LLP

8180 Greensboro Drive

Suite 800

McLean, VA 22102

(703) 770-9300

(703) 770-9400 FAX

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

- ☒ Other: **PTO/SB/36 - RECISSION OF PREVIOUS NONPUBLICATION**
REQUEST and NOTIFICATION OF FILING UNDER 35 U.S.C. 122(b)(2)(B)(iii)
AND 37 C.F.R. 1.213(c) and copy of REVOCATION AND POWER OF ATTORNEY and IDS
filed January 2, 2003

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at (703) _____ on _____.

Signature: _____

Name: _____



Attorney Docket No. 002854-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
Scott Shyh Guang YEN)	Group Art Unit: 3623
Serial No. 09/824,175)	
Filed: March 30, 2001)	Examiner: M. Heck
For: Method for Incorporating Human-Based)	
Activities in Business Process Models)	

**NOTIFICATION OF FILING UNDER 35 U.S.C. 122(b)(2)(B)(iii)
AND 37 C.F.R. 1.213(c)**


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the requirements of 35 U.S.C. 122(b)(2)(B)(iii) and 37 C.F.R. 1.213(c), the Applicant hereby notifies the U.S. Patent & Trademark Office that the International Application No. PCT/US02/03290, drawn to the subject matter of the above identified application, was filed February 7, 2002 with the US Receiving Office.

While no fee is required by this filing, the Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380 (Attorney Docket No. 002854-23).

Respectfully submitted,



Marc S. Kaufman
Registration No. 35,212

MSK/JWM

NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
Telephone: (703) 770-9300
Facsimile: (703) 770-9400

NVA264067.1

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#10

RESCISSION OF PREVIOUS NONPUBLICATION REQUEST (35 U.S.C. 122(b)(2)(B)(ii)) AND, IF APPLICABLE, NOTICE OF FOREIGN FILING (35 U.S.C. 122(b)(2)(B)(iii))		Application Number		09/824,175
		Filing Date		March 30, 2001
		First Named Inventor		YEN, Scott Shyh Guang
		Title	METHOD OF INCORPORATING HUMAN-BASED ACTIVITIES IN BUSINESS PROCESS MODELS	
		Atty Docket Number		002854-23
		Group Art Unit		3623
Examiner		M. Heck		

Send completed form to:
 Mail Stop PG Pub
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (703) 305-8568



A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

May 21, 2003
 Date

Signature

(703) 770-9300
 Telephone Number

Marc S. Kaufman, Reg. No. 35,212
 Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b).

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at PGPub@USPTO.gov.

CERTIFICATE OF MAILING OR TRANSMISSION			
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Name (Print/Type)			
Signature		Date	

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PATENT
Docket No.: 002248-23

#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Scott Shyh Guang Yen)	
Serial No.	:	09/824,175)	Art Unit: 2162
Filed	:	March 30, 2001)	
For	:	Method for Incorporating Human-Based Activities in Business Process Models)	

REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned assignee of the entire interest in the above-identified application for Letters Patent, **VITRIA TECHNOLOGY, INC.**, hereby revokes all previous powers of attorney in the subject application and hereby appoints

Stuart J. Friedman	24,312	Daniel S. Song	43,143
David S. Safran	27,997	Marc S. Kaufman	35,212
Thomas W. Cole	28,290	Corinne R. Gorski	34,339
Donald R. Studebaker	32,815	Jason H. Vick	45,285
Jeffrey L. Costellia	35,483	Luan C. Do	38,434
Tim L. Brackett. Jr.	36,092		

all with a mailing address of Nixon Peabody LLP, 8180 Greensboro Drive, Suite 800, McLean, Virginia 22102, telephone number (703) 770-9300, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

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The undersigned assignee of the entire right, title and interest of the above-identified application, hereby confirms that an assignment for the subject application was recorded on October 5, 2001, at Reel/Frame 012236/0178 in the U.S. Patent and Trademark Office.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified below.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all future communications relative to said application to the following correspondence address:

Marc S. Kaufman
NIXON PEABODY LLP
8180 Greensboro Drive
McLean, Virginia 22102
Telephone: (703) 770-9300
Facsimile: (703) 770-9400

Respectfully submitted,

Assignee: Vitria Technology, Inc.

Dated: 12/30/02

By: William McGrath
William McGrath

Vitria Technology, Inc.
945 Stewart Drive
Sunnyvale, CA 94086



FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,300.00)

Complete if Known

Application Number 09/824,175
Filing Date March 30, 2001
First Named Inventor Scott Shyh Guang YEN
Examiner Name M. Heck
Art Unit 3623
Attorney Docket No. 002854-23

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

19-2380(002854-23)

Deposit
Account
Name

Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X = 0

Independent Claims -3** = X = 0

Multiple Dependent X = 0

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1,450	2254	725	Extension for reply within fourth month
1255	1,970	2255	985	Extension for reply within fifth month
1401	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,300	2453	650	Petition to revive - unintentional
1501	1,300	2501	650	Utility issue fee (or reissue)
1502	470	2502	235	Design issue fee
1503	630	2503	315	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))
1801	750	2801	375	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,300)

Certificate of Mailing or Transmission [37 CFR 1.8(a)]
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Signature: _____

Name: _____

OFFICE OF PETITIONS

SUBMITTED BY

Name (Print/Type) Mare S. Kaufman

Signature

Registration No. 35,212
(Attorney/Agent)

Complete (if applicable)

Telephone (703) 770-9300

Date May 21, 2003